

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1, 3-4, 7-13 and 15 remain in the application. Claims 1, 13 and 15 have been amended for further clarification. Claim 12 has been amended herein to overcome an objection raised by the Examiner.

Claims 1, 3-4, 7-12 and 14-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Canadian Patent No. 2422225A1 to Grigo et al. (hereinafter Grigo) in view of Japanese Patent No. 61274799 to Masuda et al. (hereinafter Masuda) and further in view of U.S. Patent 3,997,447 to Breton et al. (hereinafter Breton). For the following reasons, the Examiner's rejection is traversed.

Grigo is directed to a filter device rotationally arranged in a container and surrounded by liquid to be filtered. Individual filter elements consist of filter plates which are used to divert the filtrate and which are provided with filters on both sides. A pump blade wheel is situated within a hollow area and creates a flow in the unclarified liquid between the spaced apart filter elements so as to avoid adhesion of solids to the filter elements.

Masuda is directed to an apparatus for treating waste water that includes a semipermeable membrane for filtering waste water. The filtrate passes through a membrane support, the hollow part of the membrane support and the hollow part of a rotary shaft to be discharged out of the apparatus as treated water.

Breton is directed to a fluid processing apparatus that includes a filter element that rotates with the fluid being filtered. At predetermined intervals, the fluid medium flow through the filter is reversed or backpulsed.

Regarding amended claim 1, even if the references were combined in the manner proposed by the Examiner, the claimed invention would not result. Claim 1 has been amended to clarify the position of the elongated hollow body with respect to the hollow space in the center of the filter elements. Specifically, the elongated hollow body is located only within this hollow space in the center of the filter elements. In contrast, Grigo, as conceded by the Examiner does not teach or suggest the elongated body of the claimed invention. Masuda, which according to the Examiner teaches the gassing installation of the claimed device, teaches only a particular device that includes gas emitting pipes that must be located next to the filter plates. Masuda states that each time the filter plate assembly rotates, the filter plates pass by the gas emitting pipes and this aids with removing material on the plates. Thus, if the teachings of Masuda were able to be combined with those of Grigo, the gas emitting pipes in the combination would still extend next to the plates (now of Grigo) and necessarily out of the hollow space in the center of Grigo. This does not teach or suggest the claimed feature of amended claim 1, specifically the elongated hollow body of the gassing installation only in the hollow space. Breton does nothing to cure this problem with the proposed combination as Breton teaches nothing regarding the spatial relationship of gas emitting pipes and plates. Breton teaches only a single one of these type of devices (depending on which way the gas is forced through the device). Thus, even if a combination of the references were appropriate, the invention of claim 1 is not taught or suggested.

Further, the Examiner's combination of the teachings of Grigo and Matsuya, specifically substituting the piping of Matsuya into the Grigo device is not appropriate. The "Examination Guidelines of Determining Obviousness Under 35 U.S.C. §103 in view of the Supreme court Decision in *KSR International Co. v. Teleflex Inc.* 72 Fed Reg. 57526, 57530) requires when substituting one known element for another to obtain predictable results that a finding be made "that one of ordinary skill in the art could have substituted one known element for another and the result of the substitution would have been predictable". Here, the proposed combination could not be done physically by one of ordinary skill in the art. As previously stated, Masuda requires that the gas emitting pipes extend to a position adjacent the filter plates, so that when the rotating filter plates pass by the gas emitting pipes, material adhered to the face of the filter plates is removed. The gas emitting pipes of Masuda physically cannot be added to the Grigo device in this manner because the extension of the pipes would interfere with the element 8 in Grigo that is part of the filter plate structure. There is no obvious way for one of ordinary skill in the art to avoid this interference. Thus, the proposed combination the teachings of Grigo and Masuda in this regard is not proper under the Federal Guidelines.

Reconsideration and withdrawal of the rejection of claim 1 under §103(a) in view of Grigo, Masuda and Breton is respectfully requested. Claims 3-4 and 7-12 depend directly or indirectly from claim 1 and are believed to be allowable for the reasons stated above.

Claim 13 has been amended to include the features of claim 14 and claim 15 has also been amended. In claim 13, the claimed elongated hollow body is located

only within the hollow space formed by the filter elements. In claim 15, the claimed gas outlet openings are located only in the hollow space formed by the filter plates. These features are not taught or suggested by the proposed combination of references (as explained earlier with regard to claim 1). Also again, the combination of the Grigo and Masuda references is not proper.

Reconsideration and withdrawal of the rejection of claims 13 and 15 under §103(a) is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. FRG-16153.

Respectfully submitted,

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